

DEPOSITION OF CARL A. CEDERSTAV - VOLUME I  
CONDUCTED ON WEDNESDAY, AUGUST 11, 2004

Page 1

## V O L U M E 1

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MARYLAND - NORTHERN DIVISION

-----x

IN THE MATTER OF THE COMPLAINT OF x

ETERNITY SHIPPING, LTD. AND x

EUROCARRIERS, S.A., FOR x

EXONERATION FROM OR LIMITATION x Case No. L01-250

OF LIABILITY x

-----x

TATE &amp; LYLE NORTH AMERICAN x

SUGARS, INC., x

Claimant &amp; Third-Party Plaintiff x

v. x

AMERICAN BUREAU OF SHIPPING, x

Third-Party Defendant x

-----x

DEPOSITION OF CARL A. CEDERSTAV

Baltimore, Maryland - Wednesday, August 11, 2004

9:40 A.M.

Job No. 1-39306, Pages 1 - 207

Reported by: Sharon D. Livingston, CSR-RPR

1 this conclusion. For me this is the only conclusion.

2 Q Okay. I understand. Thank you. If this  
3 was common practice on the Leon I to hoist the basket  
4 for this purpose, you would agree, would you not,  
5 that it's likely that Captain Escatron observed that  
6 on some occasion?

7 A Yeah, I would think so. I mean he were the  
8 chief officer. Captains do not show very much.

9 Q Do you have evidence that the ropes removed  
10 at Dubai, the luffing wires removed at Dubai, were  
11 replaced on the same exact cranes after the retrofit  
12 in China?

13 A No. I would be very, very astonished if  
14 they were not.

15 Q Is there a set length for these wires?

16 A 135 meters, if I recall right, from the  
17 certificate.

18 Q Did you measure this one to see how long it  
19 was?

20 A You can't measure this one anymore. I mean  
21 it's strained, it's broken.

22 Q Let me ask you in your examination of this

1 know if you've picked the right one. This is the one  
2 which he did of the wire.

3 Q While you were present?

4 A I was not present.

5 Q You were not present for this?

6 A No.

7 Q Where is the one that he did of the wire  
8 when you examined it at Chesapeake?

9 A You have misunderstood this. They had a  
10 survey of that wire with Captain Popp. I was not  
11 present.

12 Q Let me start again. What was done at  
13 Chesapeake when you were present and examined the  
14 wire? First of all, who all was present?

15 A Eric Veit and myself.

16 Q And Mr. Dolan?

17 A No. Mr. Carson?

18 MR. VEIT: Can I clarify?

19 MR. ASPERGER: Thank you. That would be  
20 helpful.

21 MR. VEIT: The Captain Popp report you're  
22 referring to, as you can see on the date, is dated

1 wire -- and would you pull your report out with your  
2 photographs that show the examination of the wire at  
3 Chesapeake?

4 A There are no photographs taken by me.

5 Q Who took the photographs?

6 A Heiner Popp has taken photographs. They  
7 are in his report. So are the measurements.

8 Q And you're depicted in at least one of  
9 those photographs, correct, sir?

10 A I've compared those photographs with what I  
11 assume in reality and based my opinion on the last.

12 MR. WHITMAN: I don't think that was the  
13 question. Listen to the question.

14 MR. ASPERGER: If you don't understand  
15 something, just ask. Let's mark this.

16 (Cederstav Deposition Exhibit 3 was marked  
17 for identification and retained by counsel.)

18 BY MR. ASPERGER:

19 Q I'm showing you Exhibit 3. This is Heiner  
20 Popp's report to which you were referring, correct,  
21 sir?

22 A Yeah. He has two reports though. I don't

1 October 2003. Captain Popp and myself were there to  
2 essentially monitor the survey done by the ABS folks,  
3 so to speak, at their request at that time, October  
4 2003. Mr. Cederstav was not present that day at all.  
5 MR. ASPERGER: Was there a Rule 34 request  
6 to perform that?

7 MR. VEIT: As to the manner of the request,  
8 I don't recall exactly. We can go back and check  
9 that.

10 MR. ASPERGER: And no notice was given to  
11 Tate & Lyle; is that correct, sir?

12 MR. WHITMAN: As far as I know, that's  
13 correct.

14 BY MR. ASPERGER:

15 Q So there have been examinations of this  
16 wire where it's been manipulated or rolled out on  
17 several occasions since the incident, correct, sir,  
18 that you're aware of?

19 A No. Because at that survey when Heiner  
20 Popp was there, part of it was rolled out, and the  
21 damaged area was examined. When I was up -- and I  
22 think everybody understands when they see the wire --